

REMARKS

Initially, in the Office Action, the Examiner has rejected claims 1-12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,076,005 (Willenegger) in view of patent publication document WO 00/35137 (Raith et al.).

By the present response, Applicant has amended claims 1, 6, 7 and 12 to further clarify the invention. Claims 1-12 remain pending in the present application.

35 U.S.C. §103 Rejections

Claims 1-12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Willenegger in view of Raith et al. Applicant has discussed the deficiencies of Willenegger in Applicant's previously-filed response and reasserts all arguments submitted in that response. Applicant respectfully traverses these rejections and provides the following additional remarks.

Raith et al. discloses a signal representing variably coded information, i.e., information that is coded according to a code selected from a set of codes, being received at a first station. The received signal is decoding according to respective codes of the set of codes to generate respective likelihood metrics associated with respective codes of the set of codes. A code is selected from the set of codes based on the respective likelihood metrics, wherein the selection of the code from the set of codes is biased based on a prior communication between the first station and a second station that transmitted the signal. The received signal is the decoded according to the selected code to generate an estimate of the information. According to another embodiment, a signal representing a first variably code field and a second field that indicates the code applied to the first field, is received and processed to generate an estimate of the second field. Based on a confidence in the generated estimate of the second field, the receiving station either identifies the code applied to the first field based solely on the generated estimate of the second field, or identifies the code applied to the first field based on the generated estimate of the second field and respective likelihood metrics associated with decoding the received signal

according to respective codes of the set of codes. In still another embodiment, an extent to which to partially decode a received variably coded signal to identify the code applied to the signal is determined based on a prior communication between the receiving station and a station that transmitted the signal.

Regarding claims 1, 6, 7 and 12, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of these claims of, inter alia, ordering the confidence levels from highest to lowest representing a most likely codec mode to a least likely codec mode, respectively, before a decoding error has been detected, or if the decoded speech frame is determined to be of poor quality, then choosing the next most likely codec mode corresponding to the next highest inband bit decoding confidence level of the confidence levels ordered before a decoding error has been detected and repeating steps (c) through (e).

The Examiner asserts that these limitations are disclosed in Willenegger in col. 5, lines 25-67. However, Willenegger merely discloses that operations for detection of a correct transmission format may be triggered upon encountering an error resulting from unsuccessful decoding of a frame (see, col. 4, line 64 – col. 5, line 2). This is not ordering the confidence levels from highest to lowest representing a most likely codec mode to a least likely codec mode, respectively, before a decoding error has been detected, as recited in the claims of the present application. Willenegger discloses that the operations (shown in Fig. 2 of Willenegger) being triggered upon encountering an error. This is further supported by Willenegger disclosing “[t]he received frame includes a format indication that identifies a transmission format. However, decoding the frame data according to this format resulted in the error that triggered the format detection operations”, (see, col. 5, lines 38-42). Willenegger discloses prioritizing the permissible formats being part of operations for detecting a correct transmission format that occurs after and in response to encountering an error. In addition, Raith et al. does not disclose or suggest these limitations in the claims of the present application.

Moreover, Willenegger does not disclose or suggest if the decoded speech frame is determined to be of poor quality, then choosing the next most likely codec mode corresponding to the next highest inband bit decoding confidence level of the confidence levels ordered before a decoding error has been detected and repeating steps (c) through (e). In fact, Willenegger teaches away from these limitations in disclosing that "the received transmission format is not included within the prioritized order, since . . . this format does not result in a successful decoding", (see, col. 5, lines 45-48). This is not if the decoded speech frame is determined to be of poor quality, then choosing the next most likely codec mode corresponding to the next highest inband bit decoding confidence level of the confidence levels ordered before a decoding error has been detected and repeating steps (c) through (e). Willenegger discloses prioritizing the permissible formats occurring after and in response to encountering an error. In addition, Raith et al. does not disclose or suggest these limitations in the claims of the present application.

Regarding claims 2-5 and 8-11, Applicant submits that these claims are dependent on one of independent claims 1 and 7 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 1-12 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Conclusion

In view of the foregoing amendments and remarks, Applicant submits that claims 1-12 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner has any questions about the present Amendment or anticipates finally rejecting any claim of the present application, a telephone interview is requested. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4365.

Respectfully submitted,

Phillip Marc Johnson

(Applicant)

Date: January 2, 2008

By: 

Frederick D. Bailey

Attorney for Applicant

Registration No. 42,282

Moore & Van Allen PLLC

430 Davis Drive, Suite 500

PO Box 12706

Research Triangle Park, NC 27560

Telephone: (919) 286-8000

Facsimile: (919) 286-8199